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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING **REJECTION OVER A PRIOR PATENT**

103.1019.10

In	re Application of: David HITZ et al.			RECEIVED
Ap	plication No.: 09/927,409			MAD 0 0 2004
	ed: Aug. 10, 2001			MAR 0 9 2004
Fo	r: File Access Control in a Multi-Protocol File Server		•	Technology Center 21(
wl sh sc	The owner*, Network Appliance, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,457,130			
pr m wl is	In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant pplication that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the rior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a naintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in thole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal isclaimer.			
Ch	eck either box 1 or 2 below, if appropriate.			
1.	For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.			
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.				
2.	The undersigned is an attorney or agent of record.	Spring	Oden	3-02-2004
)4 W	ABDELR1 00000121 09927409	Signature	10	Date
4	110.00 QP	Stoven A. S	····a-mafala. (Da	~ 22 040)
		Steven A. Swernofsky (Reg. 33,040) Typed or printed name		
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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Form PTO/SB/96 may be used for making this certification. See MPEP § 324.